

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA, *

Plaintiff, *

v. * CR. NO.: 09-10090

SHAUN SULLIVAN, *

Defendant. *

DEFENDANT’S POSITION WITH REGARD TO SENTENCING FACTORS

COMES NOW the Defendant, Shaun Sullivan, by and through his undersigned counsel, pursuant to Rule 32 of the Federal Rules of Criminal Procedure and Local Criminal Rule 32.1, and hereby submits the following with respect to sentencing in this case.

I. Defense Counsel Certification

Mr. Sullivan has been provided with a copy of the Pre-Sentence Investigation Report (“PSR”) and has reviewed the report with his counsel. As set forth below, Mr. Sullivan has no factual or legal objections to the PSR.

II. The Sentencing Hearing

Defense counsel does not anticipate calling more than one witness at the sentencing hearing, nor does he expect that the hearing will last longer than 30 minutes.

III. Sentencing Factors in Dispute

A. Legal Objections

None.

B. Factual Objections

None.

IV. Offense Level

Mr. Sullivan agrees with his probation officer that his total offense level should be twenty-nine (29).

V. Criminal History

Mr. Sullivan agrees with his probation officer that he has five (5) criminal history points, which places him in Criminal History Category III.

VI. Advisory Sentencing Guideline Range

Mr. Sullivan agrees with his probation officer that the applicable advisory sentencing guideline range in this case is 108-135 months (restricted to 120-135 months based on his conviction on Count 1 of the Indictment for violating 18 U.S.C. § 2422(b)).

VII. Defendant's Position as to Sentencing

Mr. Sullivan entered a plea of guilty pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. Pursuant to the terms of Mr. Sullivan's plea agreement, the government and the defendant jointly recommend that Mr. Sullivan be sentenced to a term of imprisonment of ten (10) years, which is the statutorily required mandatory minimum sentence for a violation of 18 U.S.C. § 2422(b). As set forth above, Mr. Sullivan's advisory guideline range in this case is 108-135 months (restricted to 120-135 months).

Mr. Sullivan respectfully requests that the Court accept the plea agreement and sentence the defendant, in accordance with the terms of the plea agreement, to a period of imprisonment of 120 months. A term of imprisonment of 120 months falls almost directly in the middle of the advisory guideline range of 108-135 months, which would be applicable in this case but for the statutorily required mandatory minimum sentence of 120 months. Thus, Mr. Sullivan submits that a sentence of imprisonment of 120 months is the appropriate sentence in this case, as such a sentence of is sufficient, but not greater than necessary, to comply with the statutory directives set forth in 18 U.S.C. § 3553(a).

Respectfully submitted,

/s/ William Joshua Morrow
WILLIAM JOSHUA MORROW
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109 S. Highland Ave., Suite 105
Jackson, Tennessee 38301
(731) 427-2556
Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing document was forwarded by electronic means via the courts electronic filing system or the foregoing was filed 'under seal' then by hand delivery or by mailing same, postage pre-paid to:

R. Leigh Grinalds
Assistant United States Attorney
109 South Highland, Suite 300
Jackson, Tennessee 38301

This the 10th day of August, 2010.

/s/ William Joshua Morrow
William Joshua Morrow
Assistant Federal Defender